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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,955

02/20/2004

Helmut F. Jaeger

0028-014

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EXAMINER

ROSS, DANA

ART UNIT

PAPER NUMBER

3726

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/783,955	<b>Applicant(s)</b> JAEGER, HELMUT F.	
	<b>Examiner</b> Dana Ross	<b>Art Unit</b> 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/16/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 8-11, 14-18 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 101 02 413 C1 (Jager).

DE 101 02 413 C1 is in a foreign language, therefore all references to the Patent will be made to the US Equivalent document US Pat. No. 6,761,522 (Jager).

Jager teaches an automated cell 10 with a base framework and manipulating apparatus with a front wall (see figure 1 with the front wall being located facing forward near controller reference number 72), back wall, and side walls surrounding controller 72 (see figure 1); a process platform above the controller 72, the front wall having a supply module with loading spaces 14 and 15 with carriers 16 and 17 (see figures 1 and 2, col. 5, lines 53-57, for example); the rear wall having a frame which projects above the walls surrounding the controller and having a plurality of mechanical interfaces for the manipulator (see gantry 38 of figure 1).

Jager teaches the top rear-wall part which projects beyond the process platform has a cover sheet that separate the working space 12 from the outside (see col. 5, lines 31-35).

Examiner notes that the structure of the rigid stand 36 is defined as a frame and provides for four vertical struts which provides for an opening on the top rear-wall part above the process platform which meets the claimed limitation of the opening on the top rear-wall part.

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Re claims 8 and 24, Jager teaches a support plate 53 (process plate) arranged on the process platform and having a plurality of mechanical interfaces (see col. 7, lines 1-25, for example).

Re claims 9 and 25, Examiner notes the limitations of it being “possible” for the process plate to be fitted through the opening in the rear wall is not a positive limitation. It is possible for the process plate to move through the opening with the removal of the any covering.

Re claim 10 and 26, Jager teaches a bracket (see area of reference number 38 and 52 of figure 1) projecting forwards of the front side of the top rear wall part and projecting towards the process platform where there are supplementary stations placed (cleaning station 59, aligning station 57, intermediate support station 55, for example), the bracket having mechanical interfaces for at least manipulating and/or processing supplied workpieces (see col. 7, lines 1-25, for example).

Re claims 11 and 27, Jager teaches two front feet in the form of two rigid beams of stand 36 (see figure 1)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-7, 12, 13, 19-23, 28 and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over DE 101 02 413 C1 (Jager).

DE 101 02 413 C1 is in a foreign language, therefore all references to the Patent will be made to the US Equivalent document US Pat. No. 6,761,522 (Jager).

Re claims 3-7, 13, 19-23 and 29, Jager teaches the claimed structure of the baseframe but does not specifically address the running of the cable through the structure. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). *Ex Parte Smith*, 83 USPQ2d 1509, 1518-19 (BPAI, 2007) (citing *KSR v. Teleflex*, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). *Ex Parte Smith*, 83 USPQ2d at 1518-19 (BPAI, 2007) (citing *KSR*, 127 S.Ct. at 1740, 82 USPQ2d at 1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above

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elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Re claims 12 and 28, Jager teaches the embodiment of the side walls in accordance with the embodiment disclosed in Applicant's figure 4. The different shapes of the side walls are an obvious matter of design choice to a person of ordinary skill in the art. It would have been an obvious matter of design choice to make the different portions of the sides of whatever form or shape was desired or expedient since a change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. In this instance there has been no criticality placed on the shape of the side walls and it would have been obvious because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/  
Primary Examiner, Art Unit 3722